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MONITORING THE IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN

Second review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women

Report of the Secretary-General

Addendum

II. CRITICAL AREAS OF CONCERN

D. Violence against women

1. The Nairobi Forward-looking Strategies place violence against women under the basic strategies for addressing the issue of peace. Reference was made to specific groups of women deserving special concern, including abused women, women victims of trafficking and involuntary prostitution, and women in detention and subject to penal law. The strategies state that violence is a major obstacle to the achievement of peace and the other objectives of the Decade. Women victims of violence should be given comprehensive assistance, with legal measures, national machinery, preventive policies and institutional forms of assistance. These should be specially applied in the case of the groups of special concern.

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2. In Economic and Social Council resolution 1990/15, on recommendations and conclusions arising from the first review and appraisal of the Nairobi Strategies, adopted at the recommendation of the Commission on the Status of Women at its thirty-fourth session, the Council states that:

> "23. The recognition that violence against women in the family and society is pervasive and cuts across lines of income, class and culture must be matched by urgent and effective steps to eliminate its incidence. Violence against women derives from their unequal status in society.
>
> "Recommendation XXII. Governments should take immediate measures to establish appropriate penalties for violence against women in the family, the work place and society. Governments and other relevant agencies should also undertake policies to prevent, control and reduce the impact of violence on women in the family, the work place and society. Governments and relevant agencies, women's organizations, non-governmental organizations and the private sector should develop appropriate correctional, educational and social services, including shelters, training programmes for law enforcement officers, the judiciary and health and social service personnel, as well as adequate deterrent and corrective measures. The number of women at all levels of law enforcement, legal assistance and the judicial system should be increased."

3. A preliminary review of the national reports prepared for the current review and appraisal reveals that, in contrast to the previous review and appraisal, most countries have reported on violence against women and the problem has been largely recognized. Most reports indicate that the issue has attracted national attention and emphasis has been placed on legal reforms, by considering violence against women as a crime and increasing the penalties for it. A large number of countries indicated the adoption of programmes intended to prevent domestic violence or provide assistance to victims of violence. Most of these programmes were initiated by non-governmental organizations and subsequently supported by the Governments concerned. Other reports acknowledged a need for these kinds of programmes but indicated that funds were lacking.

1. Trends

4. The issue of violence against women became a matter of priority in the second half of the 1980s. The increasing concern about victims of violence and the need for change was voiced both by bodies within the United Nations and by non-governmental organizations. The adoption, by the General Assembly, in resolution 48/104, of the Declaration on the Elimination of Violence against Women, signalled an intention to deal with the problem in its full complexity and to give appropriate priority to domestic violence.

5. Debates relating to women and development in the South led to the identification, frequently by grass-roots women, of various manifestations of violence against women. 1/ Concentration by activists and scholars in both the North and South was initially on sexual violence by those outside the family, including sexual harassment in the workplace and elsewhere, forced prostitution and trafficking. 2/ This was followed by attention to violence against women in

the family, often described as domestic violence. Perhaps because violence in the family context challenges the universal image of the family as a supportive and loving haven, the natural and fundamental group unit of society, 3/ and because violence against women in the family represents the most fundamental example of the persistent inequality between women and men and, at the same time, serves to entrench that inequality in other spheres, violence against women in this context has remained the central focus of activism and scholarship within the general issue of violence against women.

6. Attention to issues of sexual and domestic violence resulted in the revelation of further manifestations of violence against women. These different manifestations occur within the family but are tolerated or, indeed, condoned, by the community and State. These include female foeticide 4/ and infanticide, the neglect and physical and sexual abuse of girl-children, often by family members, and marital rape. Forms of violence related to custom, culture or religion, some of which are a source of cultural pride, including the practice of sati (self-immolation by widows), 5/ female genital mutilation and other initiation practices, widowhood rites and violence related to the custom of dowry were also revealed as risks to women.

7. Economic, social and political developments, some post-dating the adoption of the Forward-looking Strategies, led to the identification of other areas where women are at particular risk of violence. In some countries, structural adjustment policies have caused women to move from employment in the formal sector to that in the informal sector. There they are frequently subject to poor and unregulated working conditions and vulnerable to physical and sexual abuse. The increasing participation of women, predominantly from the South and Eastern Europe, in international labour migration, legal and illegal, the conditions of which are frequently unsatisfactory, has also provided a setting for physical and sexual abuse, 6/ with illegal immigrants most at risk. Poverty and lack of alternative employment has encouraged many women to turn to prostitution, both in their own countries and abroad. One of the results of HIV/AIDS has been increased sexual violence against girl-children, who are the subjects not only of victimization by individuals but also of forced prostitution and trafficking, as men seek younger and younger sexual partners so as to avoid infection. 7/

8. Ethnic, religious, communal and political conflicts have marked the end of the Cold War, and these conflicts have proved to be the setting for much female victimization. Female activists have been subject to physical and sexual violence, frequently by State agents, such as members of the military or the police. 8/ Women who are detained have been abused, most often sexually, by prison officers, the police and the military. During armed conflict, women have been the victims of terrorism and specific targets for rape and other sexual assault. Clear evidence exists suggesting that sexual abuse by soldiers is widespread and that rape, sexual slavery and forced pregnancy are used systematically in some conflicts. 9/ Most women who are subject to violence during wars take no active part in the conflict, but their abuse, which is very often sexual, is a deliberate tactic to intimidate or undermine the "enemy" and often aims to inflict deep and lasting damage on entire communities. Frequently, like women in detention, women subjected to violence in conflict situations are abused because they happen to be the wives, mothers, daughters or

sisters of the men the authorities cannot capture. These women become substitutes for the men in their families, with soldiers or governmental agents victimizing them in order to shame their male relatives or to coerce them into surrendering. Many women who are abused during conflicts, moreover, are often from the most marginalized and vulnerable sectors of society, such as indigenous or peasant women, 10/ refugees or displaced women.

9. Conflicts, political and economic insecurity, and environmental degradation have resulted in large refugee flows, with women forming the bulk of the refugee population. Refugee women and girls, particularly those with inadequate documentation or who are single and unaccompanied, are vulnerable to physical and sexual abuse during flight, on arrival in refugee camps and in the country of ultimate settlement. 11/ Perpetrators of such violence include pirates, border guards, and army and resistance units, as well as male refugees. 12/ Systematic sexual violence against women and girls, in the context of armed conflict and otherwise, and the sexual victimization of individual women is one of the major causes of internal displacement and the decision to seek asylum abroad. 13/

10. In sum, the focus on violence against women since the formulation of the Forward-looking Strategies has shown that women are subjected to three main forms of violence: physical abuse, sexual abuse, and psychological abuse. They are at risk of these abuses in all settings and contexts. The major site of violence against women is the family - where physical, sexual and psychological violence is a risk factor for girls and women throughout their lives and even from before birth. The community not only constitutes a site of violence against women but also supports aspects of the family which make it the major site of victimization for women. So also, the State constitutes a site of violence against women when, for example, it condones or tolerates the rape and torture of women in detention.

11. The Nairobi Forward-looking Strategies, in the areas of special concern, identify gender-specific violence as a form of abuse of women. Evidence suggests that men and women experience violence differently. Women, irrespective of context, are at much greater risk of sexual violence than men, and the harm caused by violence is usually determined by their sex. The violence is often motivated by gender concerns, since violence is often used to enforce male power. As a result, violence is increasingly being recognized as linked to the social, economic and political inequality that women experience as part of their daily lives while, at the same time, reinforcing that inequality.

2. Action at the international level

12. Until the beginning of the 1990s international action on violence against women concentrated on the family. However, in response to growing claims by women for equality in all areas, the issue of violence has broadened, to address other forms of violence.

13. Thus, although the focus of the work of the United Nations in the field of violence against women has been on the domestic sphere, violence against women in other contexts has also been acknowledged. The Economic and Social Council

has adopted, on the recommendation of the Commission on the Status of Women, several resolutions that relate to violence against detained women which is specific to their sex 14/ and has requested the Secretary-General to compile reports on this subject. 15/ The General Assembly has adopted two resolutions on violence against women migrant workers. 16/ The issue of female genital mutilation has been considered by the Working Group on Contemporary Forms of Slavery, 17/ the Sub-Commission 18/ and Commission on Human Rights 19/ and the Working Group on Traditional Practices Affecting the Health of Women and Children. 20/ Forced prostitution and trafficking in women has been the concern of the Working Group on Contemporary Forms of Slavery, which in 1991 elaborated the Programme of Action for the Prevention of Traffic in Persons and the Exploitation of the Prostitution of Women, which has been endorsed by the Subcommission and the Commission on Human Rights. 21/ Specialized agencies of the United Nations, including the United Nations High Commission for Refugees (UNHCR), and UNIFEM, part of the United Nations Development Programme (UNDP), have also addressed the question of violence against women. The UNHCR Executive Committee has adopted a number of resolutions concerning violence against refugee women 22/ and in 1990 adopted the Policy on Refugee Women. General guidelines have been developed by UNHCR to help organizations working with refugees to ensure that women are protected against manipulation, exploitation and sexual and physical abuse and that they are able to benefit from protection and assistance programmes without discrimination, 23/ while specific guidelines concerning the prevention of and response to sexual violence among refugees have just been completed. UNIFEM has linked the various forms of violence against women to development. 24/

14. Coordination of the work of the United Nations and its specialized agencies with respect to the problem was one of the first factors contributing to this shift in approach, as was the emergence of violence against women as a priority for United Nations bodies dealing with women's issues, including the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women. 25/

15. The Commission on the Status of Women adopted a number of recommendations regarding violence against women, leading, inter alia, to the adoption of the Declaration on the Elimination of Violence against Women. 26/

16. The Convention on the Elimination of All Forms of Discrimination against Women was elaborated by the Commission on the Status of Women prior to the World Conference of the United Nations Decade for Women, held in Copenhagen in 1980. The terms of the treaty bind States Parties to condemning discrimination against women in all its forms and to taking immediate and appropriate steps, in public and private life, to eliminate such discrimination. Although the obligation to eliminate discrimination against women imposed by the treaty is broad, encompassing "discrimination in all its forms", part II of the Convention addresses particular areas of discrimination. At no point does the Convention specifically mention violence against women, although article 6 obliges States Parties to take "all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women".

17. The substantive work of the Committee on the Elimination of Discrimination against Women coincided with the revelation of the endemic nature of violence

against women and the identification of this violence as related to the inequality of women with men. The absence of the mention of violence against women in the terms of the Convention encouraged States Parties to regard the issue, if they considered it at all, as outside their international treaty obligations. The Committee, concerned, first, that States Parties frequently did not include information with respect to the problem in their treaty reports, thereby indicating that violence against women was not regarded as an issue of inequality and, secondly, that States Parties might justify inaction because of the silence of the Convention on the matter, adopted, at its eighth session in 1989, general recommendation 12. Recommendation 12 suggested that articles 2, 5, 11, 12 and 16 required States Parties to act to protect women against violence of any kind in the family, the workplace or in any other area of social life and that States Parties report on legislative and other measures that have been taken to address violence against women, to protect the victims by providing support services and to compile statistics on incidence and victims. The following year, the Committee adopted general recommendation 14, concerned with female circumcision and other traditional practices harmful to the health of women. This recommendation suggested various strategies, predominantly of an educational nature, that States Parties might take to eradicate, specifically, female circumcision.

18. General recommendations 12 and 14 were tentative steps by the Committee to relate violence against women to discrimination and its elimination. In 1992, at its eleventh session, the Committee formulated the far more comprehensive general recommendation 19, which specifically categorized gender-based violence, which it defined as violence that is directed against a women because she is a women or that affects women disproportionately, as a form of discrimination that supports other forms of discrimination and, accordingly, as a breach of the general obligations of the Convention. Unlike general recommendations 12 and 14, general recommendation 19 firmly places gender-based violence within the rubric of human rights and fundamental freedoms and makes clear that the Convention obliges States Parties to eliminate violence perpetrated by public authorities and by private persons, organizations or enterprises. The general recommendation, further, elaborates programmatic measures States Parties should employ to address various manifestations of gender-based violence.

19. Prioritization by the Committee of the issue of gender-based violence, particularly in general recommendation 19, was informed by the second factor that led to the broadening of the issue of violence against women within the United Nations namely - the categorization of violence against women, because of its scale and gender dimension, as an issue of human rights. In order to concretize this categorization and because international and regional human rights instruments and mechanisms, although implicitly concerned with gender-based violence, did not explicitly relate to the issue and had, in general terms, not been interpreted as concerned with it, the Commission on the Status of Women recommended the formulation of an international instrument on violence against women.

20. The Declaration on the Elimination of Violence against Women, the result of the Commission's recommendation, locates violence against women within the framework of violation of human rights obligations, inequality and discrimination and sets out strategies that member States and the organs and

specialized agencies of the United Nations should employ to eliminate its occurrence. The Declaration's adoption was facilitated by the recognition by the World Conference on Human Rights, six months earlier, of the egregious nature of violence against women and the human rights dimensions of the problem. 27/ Further analysis of the issue within this framework occurred in October 1993 at the Expert Group Meeting on Measures to Eradicate Violence against Women, convened by the Division for the Advancement of Women as part of the preparation of a priority theme for the Commission on the Status of Women. The recommendations were made with respect to human rights, law and justice, development, health and education and peace, peace-keeping, emergencies and conflict. 28/

21. The final step towards the broadening of the issue within the United Nations occurred in March 1994, when the United Nations Commission on Human Rights condemned all acts of gender-based violence against women and appointed a special rapporteur on violence against women 29/ to seek and receive information on violence against women, its causes and consequences; recommend measures at the national regional and international levels to eliminate violence against women; work with other mechanisms of the Commission on Human Rights and the Commission on the Status of Women and to report to the next session of the Commission on Human Rights.

3. Existing strategies to confront violence against women

22. Coinciding with the identification of violence against women as gender-based, policy has broadened, and the problem has come to be considered a matter of human rights and a dimension of discrimination between women and men. Basically, at all levels, strategies fall into three broad categories: raising awareness of the various forms of violence against women, advocating legal change, and providing services for victims.

a. International level

23. Action at the international level with respect to violence against women has included the establishment of policy, the formulation of recommendations for member States and United Nations activity.

24. Comprehensive recommendations relating to violence against women in the family, incorporating very specific suggestions for legal reform, with a concentration on a criminal justice approach to domestic violence, the role and training of the police, prosecutors and the health sector, social and resource support for victims and the compilation of research and data were made by the (1986) Expert Group on Violence in the Family, with special Emphasis on its Effects on Women. Important recommendations were also made by the Group with regard to public awareness of violence against women, education at all levels and in all forms,and the elimination of images in education and the media entrenching the subordination and violation of women. Similar recommendations were made in the general recommendations of the Committee on the Elimination of Discrimination against Women with regard to family violence. As has been noted, general recommendation 19 was drawn more widely than the two earlier recommendations on violence against women and thus included suggestions relating

to trafficking and sexual exploitation, sexual harassment, female circumcision and violence against rural women and domestic workers.

25. Strategies elaborated in the Declaration on the Elimination of Violence against Women contain recommendations found in existing United Nations documents. Thus, recalling paragraph 258 of the Forward-looking Strategies, States are urged to consider the development of national plans of action to promote the protection of women against any form of violence and, if appropriate, cooperate with non-governmental organizations in that regard, entrench appropriate legal provisions, introduce training for relevant sectors, address issues of education and the portrayal of images of women, promote research and adopt measures directed to the elimination of violence against women who are especially vulnerable to violence. Unusually, however, the Declaration specifically addresses the organs and specialized agencies of the United Nations. They are requested to promote awareness of the issue and encourage coordination within the Organization with respect to efforts to eliminate gender-based violence.

26. It is the clear categorization by the Declaration of gender-based violence against women as both an issue of human rights and of discrimination, however, which establishes the framework for the development of future strategies at the international level. Within the Declaration itself, States are urged to condemn violence against women and refrain from invoking custom, tradition or religion to avoid this obligation. States are also urged to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and punish acts of violence against women, whether perpetrated in the public or private sphere. This language not only sets strategic objectives for member States but encourages the interpretation of existing international standards and methods of implementation so as to address the issue of violence against women.

b. National level

27. Measures that have been introduced at the national level to confront violence against women fall into three broad categories: service and support provision, substantive and procedural law reform, and training and education for specific groups as well as for the general public.

28. Not all countries have introduced measures in this context, but most have provided information in their national reports. Where they have done so, it has usually been as a result of advocacy and activism by women's non-governmental organizations. Accordingly, the focus of the measures and their level of development reflect the primary focus of attention of such non-governmental organizations. Until very recently, the primary focus of activist attention in individual countries was violence against women which occurs in the private sphere. Thus, sexual assault generally and all forms of violence against women in the family received primary attention and, accordingly, at the national level measures in those contexts were most developed. Sexual harassment in the workplace and elsewhere had also attracted attention, as had particular forms of violence based on culture, tradition or religion. Since the beginning of the decade, and particularly with the identification of gender-based violence against women as an issue of human rights, activist attention has expanded to encompass violence against women in the public sphere. Although activism

relating to violence against women in this setting has largely been devoted to achieving better application of extant international standards and procedures of implementation in this context, in some countries specific measures have been introduced which relate to violence against women in this sphere.

29. Existing national measures to confront violence against women do not approach the various manifestations of such violence as the result of a uniform structural cause but, rather, address each form of violence separately, generally in accordance with where the violence occurs. Thus, different measures have been employed to address violence in the family, the community and elsewhere. Government measures have been initiated to confront a number of forms of violence against women: violence against women in the household; sexual harassment; sexual assault; violence related to tradition and culture; and violence perpetrated against women in the public sphere. Where each is concerned, the text will examine legal approaches, service provisions, and the research, training and educational measures that have been utilized.

30. Where all forms of violence against women are concerned, national strategies have concentrated predominantly on legal and service measures with, to a lesser extent, attention being paid to sector-specific and public-education programmes or campaigns which address values, attitudes and actions related to gender violence. In the main, it has been unusual for countries to implement an integrated, holistic response to gender-based violence against women. Thus, in general, responses have been reactive, with the protection of the victim and the punishment of the perpetrator as their primary concerns. Exceptional in this regard are Australia and Canada where some attempt has been made to take a comprehensive approach to violence against women. In Australia, a National Committee on Violence Against Women, which has formulated a national strategy with respect to violence against women has been established, 30/ and Canada has set up the Canadian Panel on Violence Against Women, which has formulated a national action plan. 31/

31. Responses have often been law-centred, predominantly concerned with law reform. However, many laws are based on a model of gender neutrality in what is, in fact, a gender-specific area, and the laws do not take account of the reality of victimization and the systemic inequalities in society. Very often the laws are still based on outdated sexual stereotypes and result in unfair and unequal treatment of women.

32. For each type of measure chosen, there has to be a distinct evaluation. What has appeared in national legal systems is a broader definition of what is considered physical or sexual violence against women. The national reports suggest that most countries have provisions in their constitutions or in their legislation about violence in the family or in terms of sexual assault.

33. The central question that has emerged in the evolution of strategies to confront the problem is whether the penal or criminal justice system is appropriate for the management of violence against women. In some cases, the criminal law was believed to be inappropriate when Governments reported their intention to undertake reforms of legislation. In other cases, reports stressed the need to create or enlarge facilities for victims, an approach that dominated the measures taken. However, a number of countries noted that while domestic

violence takes place in the family and occurs among intimates, it is in fact criminal conduct and should not be treated differently from such conduct in other contexts. In a few countries, this has led to the development of spouse-abuse statutes.

34. Those countries that have chosen to stress the criminal nature of domestic abuse have recognized the central role of the police in the management of the issue. They have recognized, further, that the police have been traditionally reluctant to intervene in such cases and have sought to introduce strategies to encourage their intervention. The strategies have included legal measures, such as the clarification of police powers of entry, arrest and bail procedures in cases of domestic violence; legislation that compels women to give evidence against their abusive spouses; the introduction of presumptive arrest and charging policies; police training and support services.

35. All countries, including those that have not considered the question of domestic violence in any sustained fashion, have legal measures, such as criminal and tortious sanction, which are applicable to cases of assault generally and are therefore, theoretically, available in cases of domestic assault. In general, however, crimes, torts or delicts are not defined so as to encompass emotional or psychological harms and in many countries unwanted sexual acts by a husband on his wife do not amount to crimes. Further, few countries draw a distinction between violence against women and men in their criminal and civil codes, and very few have established specific offences relating to violence which occurs in the family or between family members. The sex of the victim and the relationship between the victim and the offender sometimes do allow for the introduction of certain defences, such as the "honour defence", which, to a certain extent, may excuse crimes which occur between intimates or affect sentence.

36. All countries, as reflected in their period reports to the Committee on the Elimination of Discrimination against Women, provide matrimonial relief, such as divorce or judicial separation, for those who are treated with violence by their spouses. These remedies have proven, in general terms, to be inadequate in the context of domestic violence. In most countries, general criminal remedies are not applied unless the violence suffered is particularly severe, and even where they are applied, the criminal law, in its usual form, does not cater for the particular issues that arise in the case of domestic assault. Matrimonial relief, although providing a remedy for some, is clearly available only to those who are married and even in such cases may not be desired by the victim, who, in general terms, wishes the violence, rather than the relationship, to be brought to an end.

37. Some countries have introduced special legal approaches to confront domestic violence. Some have introduced special criminal sanctions which apply in the domestic context. In general, however, special legal approaches to domestic violence have been in the context of the civil, rather than the criminal, law and have developed from two existing legal remedies: the breach of the peace procedure, and the injunction.

38. In most countries, there is a procedure whereby complaints can be made to a magistrate or justice that violence has taken place or has been threatened, and

the violent party is then requested to enter into an undertaking, with or without a pledge of money, to keep the peace or be of good behaviour. If the undertaking is breached, the offender forfeits a specified sum of money or is imprisoned. The process is criminal, but the standard of proof is lower. In its general form, this remedy has some potential for the victim of domestic assault, but it does present some problems, not the least of which is the fact that enforcement of the remedy depends on a further court appearance, initiated by the victim or the police.

39. Some countries have modified and strengthened this procedure so that it is more useful in the context of domestic violence, while others have used it as the inspiration for remedies, usually known as "protection orders", which apply specifically to such violence. In general terms, the remedy developed from the procedure allows for a court order, obtained on the balance of probabilities, which can protect the victim from further attacks or harassment.

40. A number of countries have chosen to concentrate on the civil, rather than the criminal, law to provide victims of domestic assault with remedy. In general terms, these countries have developed existing injunction or interdict proceedings. Usually an injunction or interdict is available only as a remedy incidental to a principal cause of action - for example, divorce, nullity or judicial separation - and, although seeking to provide a victim of domestic violence with relief, some countries continue to limit access to the remedy in this way. In others, however, a victim of domestic violence is able to apply for injunctive relief independently of any other legal action. Usually, the relief available is of two varieties: an order prohibiting the offender from molesting or harassing the victim, and an order excluding or evicting the offender from a part or all of the matrimonial home or the area in which the home is situated. The orders are usually supported by a provision entitling the police to arrest the offender, without warrant, if he breaches the order.

41. In most countries, criminal and civil laws, although of various levels of sophistication, to protect women who are the victims of domestic violence are technically in place. This is important because such laws not only provide individual victims with remedies, should they choose to take advantage of them, but also indicate clearly that a country does not tolerate domestic assault. Indeed, all Governments should be encouraged to introduce clear, accessible and well integrated legal provisions, appropriate to the particular country situation, in this context.

42. Certainly, certain sectors have always been aware of the existence of violence, but countries have been slow to provide services for victims, offenders and their families. Although the law is usually the last resort for victims of domestic assault, reached only after others have proved to be unhelpful, Governments have chosen to concentrate on legal reform.

43. In general terms, the response of the health and welfare sectors has been insufficient to deal with violence. Professionals in these sectors, usually uneducated in the dynamics of domestic assault, have chosen to concentrate on the victim, rather than the offender, as the key to their response. In general, both sectors have looked at such violence as an individual, rather than

structural, problem and have stressed the importance of the maintenance of the family.

44. Many national reports indicate that services for victims of domestic violence have been introduced not because of governmental initiatives but rather as a result of activity by individual women or groups of women. In general, however, once services have been put in place by the efforts of such women, Governments have stepped in and either taken over such services or introduced services of their own, modelled on those introduced by the voluntary sector.

45. Shelter provision has proven to be the most important service for victims of domestic violence. Shelters, which were originally conceived as advice centres for women at risk and ultimately developed to provide residential accommodation for them and their children, exist in many countries. In countries where the Government has adopted the shelter model, specific shelters are often established for different groups of women, including immigrant women, women with disabilities, aboriginal women. In general, shelter facilities usually have inadequate funding for the service requirements, so that they are inadequate in number, oversubscribed and understaffed.

46. Other services that exist for victims of domestic assault include toll-free advice lines, counselling services and advice centres.

47. Some Governments have chosen to implement programmes for offenders. Like shelters for battered women, many of these programmes began as community-based responses to the problem, and many were linked to shelters. In certain cases they are part of diversion schemes or a court sentence. These schemes are new, take various models, and have as yet to be analysed for effectiveness. As such, they should be approached cautiously.

48. Government-funded and -sponsored research into the various aspects of violence against women in the family is well developed in some countries, some going so far as to have information clearing-houses on the subject. In most, however, research has not progressed beyond the rudimentary.

49. A number of countries have initiated training programmes for those involved in domestic violence. Most of the programmes focus on the police, regarded as the front line of response. The programmes vary in duration, scope and target group, and little information about them was provided in the reports. Few countries offer the police comprehensive and in-depth training in the dynamics of domestic violence, the legal responses available and the services available for the victims. Police in most countries do not receive any training in this area.

50. Some countries have recognized that domestic violence is the result of social norms and values that provide stereotypical roles for men and women and have concluded that these views can best be addressed by formal and informal education. Accordingly, in some countries, the subject of family violence and peaceful methods of conflict resolution form part of the primary and secondary curriculum.

51. Many countries have relied on informal education strategies, both to inform women of their legal rights, available options and support systems and to convey to both women and men that family violence is to be deplored. Such strategies have included poster campaigns, booklets, videos, television and radio advertising and folk theatre.

(i) Sexual harassment

52. Few countries reported on sexual harassment. In those that did, different remedies are applied, depending upon whether it occurs in the street or in the workplace.

53. Most countries fail to provide remedies for harassment falling short of rape, sexual assault, indecent assault or common assault which occurs outside the workplace. In exceptional cases, however, specific legislation prohibits sexually offensive behaviour, which is variously described as insulting the modesty of a woman, "eye-teasing" or "kerb-crawling".

54. A number of countries have become aware of the importance of sexual harassment in the workplace and educational institutions and the implications that such harassment can have for the individual woman and the organization. These countries have, therefore, allowed women who have been subject to such victimization to seek remedies under legislation pertaining to employment, such as sex discrimination or equal opportunities statutes, concluding that harassment in the workplace amounts to less favourable treatment on the grounds of sex. Still others have enacted specific legislation prohibiting sexual harassment in employment, the provision of goods and services, and educational institutions, and provide remedies where such harassment occurs.

55. Although the legislative remedies are broadly similar in approach, some statutes are more effective than others, having wider definitions of harassment, extending coverage to contract and commission agents, allowing representative actions by unions and fixing employers with vicarious liability for the harassment of their employees.

56. In general, governmental measures to prevent sexual harassment have been confined to the introduction of legislation, campaigning around and publicizing the issue being left to the initiative of trade unions, worker's associations and private organizations. A number of Governments have, however, produced protocols or guides indicating how sexual harassment can be eliminated in both governmental and non-governmental institutions. A limited number of Governments, such as New Zealand, have drafted standard form contracts, used when governmental contracts are concluded, which contain clauses forbidding harassment.

57. Some governmental bodies have increased awareness of sexual harassment, its serious short- and long-term implications and the measures that can be used to confront it by educational strategies. These have included the production of pamphlets, protocols and advertisements. In one country, the Human Rights and Equal Opportunity Commission conducted a poster, magazine and advertising campaign, which included a toll-free complaint line, aimed at young women in vulnerable occupations. The campaign and its effects are continuing.

(ii) Sexual assault

58. All countries criminally sanction sexual offenses against women. Although there has been significant focus on the reform of the substantive law of sexual assault, evaluations of legislative reforms reveal that most women place more significance on reform of evidentiary and procedural aspects of this area of the law. Thus, modifications of the requirement of fresh complaint, corroboration and rules allowing introduction of evidence of the past sexual history of complainants have been welcomed as significantly ameliorating the ordeal and limiting the humiliation that a complainant endures, both in the courtroom and before. Other measures, which have included provisions providing complainants with anonymity, court procedures which hide their identity and deny the offender bail or at least make the complainant aware of where the offender is, have also been enthusiastically received.

59. Some countries - e.g., Denmark, France, Germany, the Netherlands and the United Kingdom - have criminal injury compensation schemes entitling victims of sexual assault to compensation by the State.

60. Support and services for victims of sexual assault have, as in the case of domestic violence, usually been initiated by individual women and women's groups. As with domestic violence, the models used have often been adopted by government at a later stage.

61. In many countries rape crisis services, providing toll-free advice lines, advice services and accommodation for women who are the victims of sexual assault, exist. Some are run by women's groups with no support from government, others are operated by a combination of such a group and government, and some are operated by government. Some operate independently, others cooperate with the police, and some are integrated formally with the police.

62. In most countries the traditional sexual assault reception agencies are police stations. In general terms, little attention has been paid to the singular ordeal that a rape complainant endures, and most stations are not equipped to alleviate this. Some, however, have taken account of the particular needs of sexual assault complainants and offer a multidisciplinary approach to the complaints, often cooperating with hospitals or special clinics. In some countries, further, police have introduced special examination rooms, away from the station, to render the ordeal of the victim as inoffensive as possible.

63. Victims of sexual assault are usually ashamed, guilty and afraid of how people will react to them. Many are humiliated, ridiculed, scorned and stigmatized by police and other workers and treated with hostility and suspicion by their family and friends.

64. The negative response to the victim of rape stems from attitudes towards women, rape victims and rape which are the result of myth and prejudice. Women are believed to provoke sexual assault by the way they dress, where they go, the way they move and behave. They are considered to be responsible for their own protection and must ensure that they do not arouse male sexuality.

65. Evidence from many countries suggests that the police are particularly at risk of being misinformed by these stereotypes. They are thus frequently suspicious of complainants, particularly in cases where there is no obvious sign of injury, the offender is known to the complainant, the complainant delays reporting her assault or appears calm and unemotional. If the complainant is perceived to be morally dubious - for example, if she is sexually experienced - her allegation may be doubted.

66. Police suspicion may manifest itself in various ways: the complainant may be totally disbelieved and discouraged from pursuing her complaint; the investigation may be conducted in such a way as to test her story - insensitive, bullying interrogation may take place, for example, involving a series of officers and a medical examination in unpleasant or threatening circumstances; the complainant may be kept uninformed of the progress of the investigation.

67. Insensitive police procedures not only add to the ordeal of the complainant but obstruct acquisition of the best evidence and militate against conviction of offenders.

68. In most countries, police officers receive basic training in the law and practice relating to sexual assault. However, this training is usually brief and underresourced. Some countries have recognized the importance of training and education in this context and have introduced specific training and education at various levels. Most of this training has been in methods of obtaining the best evidence for conviction and has thus been technical, but some has included attitude training and sensitization. Some countries have employed kits and protocols which the investigating officer is directed to use in cases of complaints of sexual assault; they ensure that officers are meticulous in their collection of evidence and also direct their inquiries sensitively.

69. Police officers are not the only officials who need to be educated in the dynamics of sexual assault. Prosecutors, defenders and judges as well as the general public require such training. Unfortunately, although some countries do conduct specific training on sexual assault for lawyers and judges, they have not developed as much of it as in the area of domestic violence. Again, although poster and advertising campaigns around the issues of domestic violence and sexual harassment have been conducted in many countries, sexual assault has not received the publicity it warrants.

(iii) Violence related to tradition and custom

70. In a number of countries, women are subjected to violent or harmful treatment because of practices which are regarded as traditional, customary or prescribed by religion. Four such practices are: violence related to dowry, widowhood rites, sati and female circumcision.

71. In all four instances legal strategies have been introduced to criminalize the practice, in the hope that this will lead to its eradication. However, here more than in other contexts where women are the subject of abuse, the law alone cannot be relied on to change practices which are rooted deeply in tradition and culture and which, to a certain extent, are defended by both women and men, despite the fact that they have patently harmful consequences.

72. Harmful traditional and customary practices will be eradicated only when there is fundamental societal change, which will occur with attitudinal change at all levels. This sort of change can be achieved only with a combination of short-term and long-term measures aimed at the particular practice and at the cause of the practice: inequality. Such measures include formal and informal education, effective use of media and clear commitment from government, which must be prepared not only to condemn such practices legislatively but also to ensure that the legislation is implemented in good faith.

73. In a few instances, educational campaigns sought to demonstrate the danger inherent in a practice and change both men's and women's attitudes to it. Such campaigns directed at women performing, for example, circumcision, have not been as focused as those to stop dowry-related violence, but in those countries where the practice is customary, poster campaigns and training modules for service providers have been introduced. These have aimed at the transformation of the social, religious and cultural bases of the practice. Further, in a number of these countries, high-level members of government have been prepared to make statements condemning the practice, drawing attention to the health risks to girls and women which accompanies it.

4. Effects of armed or other kinds of conflict on women

74. The provisions of the Strategies under the theme of Peace (paras. 232-262) reflect the stage of governmental discussion on the subject in the mid-1980s, covering the climate of "cold war", the lack of clear focus on the gender difference in approaches to such matters as security, disarmament, conflict resolution, and the situation of women and children in the occupied Palestinian territories, under apartheid and in areas of armed conflict. The areas described in the Strategies and discussed during and after the Nairobi Conference by intergovernmental bodies, were often viewed as an extension of the political confrontation between East and West over such issues as disarmament, armed conflict, the problems of the Middle East and apartheid rather than an attempt to reflect thoroughly the women's perspective with regard to those issues. There were, however, some themes, such as the role of women in education for peace, in peace research, in decision-making and in non-governmental activities which had more potential for reflecting women's contributions and perspectives and which were less politicized.

75. The same spirit was reflected in the listing of the main obstacles to peace, which affect particularly the advancement of women, which included international tension and violations of the Charter of the United Nations; the arms race, in particular, the nuclear arms race; armed conflict; external domination; foreign occupation; acquisition of land by force; aggression; imperialism; colonialism and neo-colonialism; racism; apartheid; gross violations of human rights; terrorism; repression; the disappearance of persons; and discrimination on the basis of sex. Other obstacles listed were historically established hostile attitudes; ignorance and bigotry between countries, ethnic groups, races, sexes, and socio-economic groups and lack of tolerance for different cultures and traditions; poverty; tension in international economic and political relations; the spread of the arms race; and violation of the principle of justice.

76. At the time of the Nairobi Conference, the different approaches of women's non-governmental organizations were articulated in feminist publications and research. Their understanding of peace, rejection of violence in all its forms, holistic approach to peace, and invisible contribution to the promotion of more conciliatory and peaceful attitudes were well established in all parts of the world (although most advanced in North America and Western Europe). The views and activities of women were, in general, in opposition to those of Governments and the "official" line of thinking. They were also very diversified, as demonstrated at the "Peace Tent" at the Non-governmental Forum, parallel to the Nairobi Conference.

77. Although in the mid 1980s peace-related discourse and activities on the part of non-governmental organizations and of Governments remained separate, non-governmental research and literature had an impact on governmental attitudes. In the Strategies, the issue of violence against women was for the first time placed under the theme of Peace, thus affirming the feminist claim that violence in all its forms and at all levels has the same roots and that there is an obvious connection between violence against women and war-related violence. In paragraph 13 of the Strategies, the Conference adopted a broad definition of peace, reflecting the feminist view that

> "The full and effective promotion of women's rights can best occur in conditions of international peace and security where relations among States are based on the respect for the legitimate rights of all nations, great and small, and peoples to self-determination, independence, sovereignty, territorial integrity and the right to live in peace within their national borders.
>
> ...
>
> "Peace includes not only the absence of war, violence and hostilities at the national and international levels but also the enjoyment of economic and social justice, equality and the entire range of human rights and fundamental freedoms within the society.
>
> ...
>
> "It also embraces the whole range of actions reflected in concerns for security and implicit assumptions of trust between nations, social groups and individuals. It represents goodwill towards others and promotes respect for life while protecting freedom, human rights and the dignity of peoples and of individuals. Peace cannot be realized under conditions of economic and sexual inequality, denial of basic human rights and fundamental freedoms, deliberate exploitation of large sectors of the population, unequal development of countries, and exploitative economic relations. Without peace and stability there can be no development. Peace and development are interrelated and mutually reinforcing.
>
> ...
>
> "Peace is promoted by equality of the sexes, economic equality and the universal enjoyment of basic human rights and fundamental freedoms. Its

enjoyment by all requires that women be enabled to exercise their right to participate on an equal footing with men in all spheres of the political, economic and social life of their respective countries, particularly in the decision-making process, while exercising their right to freedom of opinion, expression, information and association in the promotion of international peace and cooperation."

78. Other themes included in the Strategies, such as the participation of women in decision-making in the areas of peace, disarmament and security; the participation of women in international activities as representatives of their countries at international meetings, including those of the United Nations and regional bodies; the participation of women in the diplomatic service of their countries; and the employment of women by international organizations, including the United Nations system have become increasingly important. With the decreasing tension between East and West and the increasing number of States Parties to the Convention on the Elimination of All Forms of Discrimination against Women, the lack of progress on the implementation of its articles 7 and 8 related to the participation of women in the political arena at the national and international level, becomes striking.

79. The view that there could be no increase in the participation of women in peace, security, and conflict-resolution areas until the enormous gap between the de jure and the de facto situation of women in decision-making is bridged is generally recognized, and since 1990, the participation of women in decision-making has become one of the most visible issues under the theme of Peace. Although the practical progress has been very slow, there is increased interest in addressing this issue, as reflected by numerous governmental discussions, expert group meetings and publications.

80. The 1990 review and appraisal cited certain fields, such as disarmament and multilateral diplomacy, which are crucial for the preservation of peace and yet in which women are highly underrepresented. For example, in the Talks on Mutual Reduction of Armed Forces and Associated Measures in Central Europe, which were held at Vienna, between 1975 and 1986, there were only 10 women in the 19 delegations. Half of them (five women out of 92 delegates, or 5 per cent) participated only at the end of the talks. In the permanent missions to the United Nations in 1989 women constituted 20 per cent of the diplomatic personnel. Thirty-six per cent (57 delegations) had no women on the staff at all. The highest percentage of women delegates were in the Latin American and the Caribbean region (39 per cent). The Western European and Others group had (26 per cent); Africa, 15 per cent; Asia and the Pacific, 12 per cent; and Eastern Europe, 4 per cent. The representation of women in the First Committee of the General Assembly, which deals with disarmament and international security in the period 1985-1988 was 7.9 per cent. The highest representation was from Latin America and the Caribbean - 16.3 per cent. These international levels reflect the situations at the national levels. The participation of women is lowest in decision-making in the area of defence.

81. Fewer than one third of those developing countries providing national reports in 1990 indicated that specific measures had been taken for increasing women's active participation in the area of peace. Some of those countries called attention to their distribution of information on peace matters, support

to women's participation in peace-related activities and conferences, and the importance of women's activities in this area. A few countries mentioned the importance of national machinery in this respect. Several developed countries mentioned their efforts to increase the participation of women in senior positions in international organizations. They also mentioned valuable work by non-governmental organizations in this respect, involving support to South Africa, Central America and Palestine; disarmament; support to refugees; peace marches; support to women in developing countries; and protests against nuclear build-up.

82. Most developing and several developed countries reported on the role of women in education for peace and the measures undertaken by the Governments to increase and support this role, by means of the dissemination of information; participation in conferences and meetings; integration of the subjects of peace, cooperation, tolerance, sexual equality, into school curricula; promotion of peace culture and art; strengthening of education for peace in the family; training in the resolution of conflicts; and strengthening of human rights and liberties. Some countries produced special material on peace issues. Peace education was considered one of the main areas of activity of women's organizations. Several countries mentioned their support to peace research through the designation of funds and cooperation with the United Nations system.

83. In the review and appraisal, the main obstacles mentioned to the participation of women in peace-related activities were military expenditure and direction of funds for military purposes; armed conflict; low level of education; insufficient communication; economic conditions, and the large portion of the world's women affected by regional conflicts and violence against women.

84. In resolution 1990/15, the Economic and Social Council noted, in conclusions arising from the first review and appraisal of the implementation of the Nairobi Strategies, that:

> "22. Despite the progress made in some areas, international, regional and national conflicts persist, and women continue to number among their main victims. At the same time, women are no more prominent among those making decisions on conflicts than in the past.
>
> "Recommendation XX. Governments should be encouraged to increase the participation of women in the peace process at the decision-making level, including them as part of delegations to negotiate international agreements relating to peace and disarmament and establishing a target for the number of women participating in such delegations.
>
> "The United Nations and the international non-governmental organizations concerned should continue to monitor and support greater involvement of women in the peace process."

85. Of the 63 national reports that were analysed for this document, only 34 addressed, sometimes in a very general way, the issues of women and peace. They focused on the situation of refugee women, the participation of women in the

military and police force and the participation of women in non-governmental activities related to peace.

5. Women and peace in the post-cold war period

86. With the end of the "cold war", the attempts to establish democracy, a market economy and international cooperation throughout the world have reduced the interest of some Governments in the issue of women and peace. Other Governments, however, have focused on the emerging situation and women's roles in it, pointing to the linkage between the participation of women in all spheres of life as full citizens, including the peace process, and the prospects of building new, democratic societies; women's participation in national and international decision-making related to peace; and women's participation in conflict resolution. With the concept of a new international world order, which should be formed and guarded in the future by an international peace force under the auspices of the United Nations, women's new roles came into discussion. Besides traditional peace-keeping roles, women should perform various other functions, in the international police and military, as peacemakers and negotiators of peace settlements, and as supervisors of elections, national reconciliation and democratization.

87. Similar changes of focus and searches for new identities characterized all spheres of peace-related activities at the non-governmental level, including women's organizations, research institutions and female researchers. It seems that, at this level, increasing attention and importance is being attached to the participation of women in all aspects of peace-keeping, negotiation and peace-making, including decision-making. The fact that women have been excluded from those areas and have suffered the consequences of violent international and domestic conflicts and the destruction and waste of human and material resources is now being actively addressed by women.

88. Women's long participation in non-governmental activities related to peace has been fruitful to them in organizing demonstrations and peace education and in offering alternatives to a militarized society. The focus has been on avoiding or ending violence, which has been almost exclusively perpetrated by men. Women peace researchers have shown the common roots of all forms of violence, from family and personal violence to war, and have indicated that there can be no real peace without the elimination of all forms of discrimination and oppression. They have advocated participatory democracy, the preservation of a healthy environment, the elimination of instruments of war, ensuring the prevalence of values and attitudes for peace, and developing a new type of interpersonal and international relations based on partnership and tolerance.

89. Another issue newly on the agenda, in the new context, is war-related violence and the suffering of women. Attention was given to the situation of women and children in armed conflict and the obligation of parties to observe all the rules outlined in the Hague and the Geneva Conventions and in the Additional Protocols to the Geneva Conventions. Another area under the topic of women and peace was the situation of refugee women, resulting in most cases from

armed conflicts - their legal status; vulnerability to abuse, violence and all forms of discrimination; and means of assistance.

90. In certain recent armed conflicts in different parts of the world, various forms of direct violence were used against women, including rape and forced prostitution. They were used as a "weapon", to humiliate. The most extensive gender-related violence against women was reported in the former Yugoslavia. It obliged the international community to address the issue of violence against women during armed conflicts. The focus is on the necessity of creating an international mechanism that would make possible fast and prompt international investigation and court proceedings for the perpetrators, just as in all other cases of war crimes. On the other hand, it is felt that there should be more emphasis on the empowerment of women, which would enable them to have more say in decisions related to war or peace; reconciliation or violence, which would allow them to contribute to preventing such tragedies rather than becoming their victims. There should also be more effective mechanisms for assisting women victims of war-related violence to rebuild their confidence, strengthen their self-reliance and eliminate their victims' syndrome.

91. Thus, there was increasing understanding that women should play an equal part in the peace efforts defined in the Agenda for Peace - first, because their participation in such activities was their right as citizens of their countries; secondly, because there were reasons to believe that they would bring to those operations specific skills and abilities that otherwise would not be available.

92. Existing research indicates that, in order to have a substantive impact on decision-making in terms of content, priorities, style and working climate, the critical mass must be at least 30-35 per cent. Such a level of participation would enable a minority to influence the culture of the group. Women have achieved a critical mass at the national decision-making level in only a few countries, particularly the Nordic countries. When women in those countries acted in solidarity, they were able to have a visible impact on political decisions and the political culture. For example, they changed peoples' attitudes to female leaders and placed on the public agendas such issues as social support service, equality, health care, protection against violence and women's reproductive rights.

93. According to public opinion polls, surveys and other sources of information, in some countries of North America and Western Europe, women are less militaristic than men, more concerned with the preservation of peace, and more opposed to increased militarization or nuclear energy. Women more strongly support measures to protect the environment, help the economically disadvantaged, improve race relations, and regulate and control by law of various social vices. While most of the empirical studies came from developed countries, there are more and more indications that women in developing countries also made attempts to include women's issues on public agendas. For example, women's groups in Mexico have campaigned against rape and domestic violence; in India women organized the Chipko movement to secure a ban on felling trees and to replant the available land and manage it properly. In Kenya, the Green Belt Movement focused on planting trees, contributing significantly to the reduction of deforestation. Women's different political style has also been noted among female politicians at the local level. Whenever

women have joined the decision-making bodies in sufficient numbers, they have created a more collaborative atmosphere, characterized by mutual respect, independent of prevailing political differences, and have sought consensus or acceptance rather than a win-or-lose solution. They focused more on solving than discussing the problems. These approaches would be most useful with regard to peace and security matters at the national and international levels.

94. Seven countries reported on women's non-governmental activities related to peace. Two focused on activities related to national reconciliation in war-torn areas and in the neighbouring countries. They included peace campaigns, humanitarian work, assistance to refugees, and contacts between women emigrants and the women's groups in the country in order to contribute to the peace dialogue. One country reported on women's involvement in radio programmes for dialogue and peace in the warring countries (Ethiopia, Somalia). One country emphasized that women should be trained for future positions in the process of reconstruction and that United Nations agencies should take the lead in this respect. One country reported that due to a women's campaign, one of its provinces was declared a nuclear-free zone in 1992.

95. One country stressed the important role of national and international non-governmental organizations in increasing awareness of rural women and the important roles of women as peace makers at home, at the community level, and as teachers. Women performed those roles throughout their lifetimes participating in matrimonial, religious and governmental reconciliation.

96. One country focused on the significant role which women's non-governmental organizations played with regard to the development of self-reliance and the leadership capabilities of women; the promotion of the ideals of disarmament and human rights through various international initiatives, friendship associations, the active participation of women in international meetings and the global peace movement; building women's networks; citizen's diplomacy; and advocating peace. Women also worked, alone and with men, in many organizations and professional associations, addressing women's concerns related to disarmament, human rights, war crimes, rape, sexual violence and conflict resolution. In this way, women have had an impact on governmental policy relating to the moratorium on nuclear weapons and preventing the deployment of cruise missiles.

97. Reference was made to the gender gap in men's and women's attitudes to war and peace and to the substantial differences in view reflected by public opinion polls in relation to defence spending, social programmes and funding priorities. The tendency of women to form their own opinions and programmes on the new world order, legislation and development was noted. The issues on women's agendas included the destruction of nuclear weapons arsenals, reduction in the number other weapons world wide, ratification of all treaties related to the elimination of nuclear weapons and renewal of the Non-Proliferation Treaty, conversion of minds and States from military to peaceful pursuits, reallocation of resources from military to peaceful uses, peaceful conflict resolution, education for peace, reduction in violence, and protection of human rights of women.

a. Diplomacy

98. Six countries reported on women in diplomacy, providing some figures on the participation of women in the diplomatic service. It was emphasized by a few that women's participation in the foreign service did not match their high contribution to peace at the non-governmental level. One country pointed that there was an increase in the number of women ambassadors, but the figures remained very low - three or two. One country pointed to the significant increase in the number of women diplomats: 6 women out of 150 total in 1980; 23 out of 133 in 1985 and 1990; and 25 out of 106 in 1994. Reference was also made to the participation of women as members of delegations to national and international peace-related meetings, including United Nations bodies, such as the Security Council and on peace-keeping missions. Special reference was made to the three women out of five total, including the woman ambassador to Rwanda, participating in peace negotiations for Rwanda in 1993.

99. One country stated that its overall goal was that 20 per cent of its executive should be women by 1995, up from 11 per cent in 1994 and 7 per cent in 1985. Among ambassadors 4 per cent were women in 1985, 9 per cent in 1993. The distribution of posts was most equal within the Department for International Developmental Cooperation and the male-dominated political departments. The key missions (Washington, D.C., Tokyo, Moscow, London, Paris) were dominated by men. Women were highly represented as diplomats in administration (42 per cent, comparing to 28 per cent in 1985). Another country reported that among top-level executives, 6.7 per cent were women. By the end of 1991, 19.4 per cent of the foreign service employees were women, which was an improvement of 6.5 per cent over the period of a few years. In the field of development cooperation, only 11 per cent of employees in 1992 were women.

100. Two countries reported on specific measures under consideration to accelerate the promotion of women administrative officers and women candidates for United Nations posts, plans of action to change attitudes and habits, and analyses of equality problems in the ministries of foreign affairs.

6. Women in the military, police forces and peace-keeping

101. No systematic data exists on women in the military. The largest amount of data is held by the States members of the North Atlantic Treaty Organization (NATO) and the Western European Union. Half of those countries have legislation and policies excluding women from combat, although women's service has been encouraged for the same length of time and the same pay and including the same training and discipline as that of men. Most rules permit pregnant women to remain in the service and provide for parental leave, but limit the rank that women can achieve. Differing rules seem, however, to have limited impact on participation rates. For example, in Canada, which has an egalitarian approach, women constitute only 12 per cent of the military; in the United States which prohibits women's service in combat, the figure is 11 per cent. In 5 of the countries the participation was 2-4 per cent; in 8 of the 15, it was negligible.

a. Women in the military

102. Research in 45 countries shows that in only 13 countries do women make up more than 10 per cent of the service members. In most countries women perform different functions. Even in countries where women can serve as regular members of a State military, there is usually a restriction on combat. Israel, where service is mandatory for women, is a case in point. In only a few countries is the combat role open - Belgium, Canada, Luxembourg, the Netherlands, Norway, Venezuela and Zambia. A majority of women are not in combat units. In Canada, which recently removed all restrictions based on gender, women constituted 12 per cent of those in active duty and 20 per cent of the reserves, but a few are in combat specialities. The principal opening for women are in medical professions and clerical and administrative positions.

103. The accessibility of military service to women has rarely been reported by the States parties to the Convention on the Elimination of All Forms of Discrimination against Women. Some countries - for example, Australia, Austria, Germany, New Zealand, and Thailand - have made reservations to various provisions of the Convention, including its articles 7 and 8 with regard to the participation of women in the military.

104. The participation of women in the military has been a controversial issue. Many men and women think that it is "men's business". The historical reservation of military roles to men is largely the result of social construction, separation between men's and women's roles, and stereotypes of "the protectors" and "the protected". What is often overlooked is that the military is an integral part of any political system. All Governments have a military, and economic dependence on the military is widespread. Since the military constitutes an important element of State order, decision-making and governance, all citizens should be concerned about the kind of military they have. By being outside the military, women cannot be involved in the decision-making related to the use of military forces or changes in military institutions and overall control over their performance. The military accounts for a large proportion of public expenditure, is an important employer, and provides career opportunities and training that can lead to careers outside the military.

105. Seventeen countries reported on the participation of women in the military. The data on the proportion of women is fragmented and not comparable. Some developing countries stated that although women were part of the military force, there were no figures available. Generally the participation of women as officers and even at the highest levels is on the increase, reaching in a few countries around 12 per cent. In one country, between September 1987 and June 1993, women's participation increased from 10.2 per cent to 11.6 per cent, despite reductions in the Department's personnel. There were three cases of top-ranking women.

106. The same tendency was noted with regard to women graduates of military academies. In one country they constituted 9.8 per cent of the total in June 1993, and it was noted that women were gradually promoted at rates similar to those of men. In one country, the ministry of defence established a network of women officers and cadets. In another country the scope of training for

women officers and cadets was modified to suit women's requirements. In another country, the participation of women in military academies was annually determined by a decision of the Minister of National Defence. It was 10 per cent in the year 1993/94, but in reality women in all three academies constituted less than 1 per cent. A number of countries reported lifting completely or partly the restrictions on women's participation in certain units, services (for example, submarines, fighter pilots) or combat activities. In most countries women remain excluded from combat duties or are restricted in them. Women continue to be represented in medical, administrative, legal, telecommunication, logistics, transportation and teaching branches.

107. In some countries military service is not compulsory, in others, it is compulsory for men. In most countries, the entry requirements, conditions of service and criteria for promotion for women were similar to those for men (except in areas from which women were excluded). One country, however, reported that women can be restricted to day-time duties by the commanding officer. The decision whether or not to deploy women in combat was also left to the discretion of the commander. There was a tendency to discriminate against women officers by offering them fewer educational and promotional opportunities and denying them leadership and decision-making posts because there was a "danger" of maternity and because women were "weaker". Discrimination can be also found in the rules governing marriages of personnel. They are gender neutral but, in practice, disadvantageous to women. For example, if an officer marries a fellow officer, a marriage allowance is paid to the head of the household, depending on who is senior; if a marriage takes place between officers of different ranks, the lower rank should resign; accommodation is offered to a senior spouse; marriages between women corp members and civilians are allowed, but a woman defence personnel who marries a civilian will not be given accommodation since it is expected that a husband will provide housing. Whenever the civilian husband is transferred to a town with no military barracks, the woman has to resign.

108. A few countries stated that women started to be enlisted and recruited for the first time, as logistic support, during the liberation wars in the region. A few countries referred to the participation of women in war as rebels.

109. A few countries referred to the participation of women in international military structures (NATO) and operations (Gulf War). One country made reference to Operation Desert Storm in Kuwait, in 1990-1991, where women represented 7 per cent of the force. They worked in all locations, including undeveloped desert areas, as clerks, mechanics, health-care providers, fuel handlers, intelligence analysts, helicopter pilots and military police. They were banned from combat but received all relevant allowances and ribbons. The perception of their performance was very high. They endured the same harsh conditions as the men; physical strength was not an issue; and gender did not determine a unit's cohesion - in fact, mixed-gender units sometimes functioned better.

b. Peace-keeping

110. Some countries reported on the participation of women in peace-keeping. They noted that it was a positive experience. In most cases women served in

support roles. In one case their participation was 32 per cent of the national force. Two Nordic countries pointed that women could sign up for a peace-keeping force after undergoing training, required for men as well. One country specified that women with military background could apply like men and be recruited, whereas women without that type of background could be recruited for administrative, support activities. Reference was made to the difficulties faced by women in the religious States. The awareness of such difficulties should become a part of the training. Although most women had non-military functions, there were three female officers. Another country noted that women performed a variety of functions, as medical and administrative personnel, in supply and logistics, as military police, and in civilian leadership positions with the Defence Department.

c. Civilian leadership positions

111. A few countries reported on the participation of women in civilian leadership positions in the military/security sector, thus confirming that they continue to be exceptional positions for women. One country referred to a woman serving as the chairperson of the National Unification Committee, negotiating the peace and reconciliation process in the country. Another country reported that women veterans offered comprehensive assistance to war veterans. It further pointed to the tradition of women occupying a few of the highest positions in the civilian arm of the defence forces. In order to facilitate this type of career, a variety of measures that were particularly helpful to women were taken. They included 317 family centres providing a variety of services; child care in 389 locations around the world; a special programme to address family and spousal abuse. The latter programme seemed to be particularly important since 64 per cent of the uniformed women officers and 30-40 per cent of the civilian military personnel reported being harassed. Unlike civilians, officers could not use the 1964 Civil Rights Act and had to rely on informal, ad hoc procedures. There was a high rate of unreported harassment, since officers feared dismissal or retaliation. The Department of Defence had also undertaken annual policy statements, training programmes, prompt and thorough investigations, accountability procedures for commanders and supervisors, procedures for seeking redress, sexual harassment prevention and education.

d. Police

112. In most of these countries reporting participation of women in the police force was on the increase. Most of the increase took place in the past five years. The same tendency applied to female cadets and trainees, which in 1993 in one country reached 33 per cent of the total. Only certain countries indicated the percentage of women police officers and high-ranking officials. In one country the percentage of women police chiefs was 13 per cent, the highest of all. Most women in the police force were specifically assigned to address the issue of violence against women, including rape, and take responsibility for female prisons and women prisoners. The special contribution of women in those areas was highly recognized. It, however, limited their possibilities for promotion and career development. Most countries addressed the issue of violence against women through special awareness-raising campaigns and training for the police. One country reported on the specific cultural

difficulties which police women faced with male colleagues and offenders, who did not recognize the authority of a woman. Another country reported on the creation in all police stations of special women's desks to handle the acts of violence against women. One country reported on special equality policies procedures to address sexual harassment within the police force, and attempts to provide part-time work opportunities and re-training which might be of special interest to women. One country stated that it excluded women from the fire brigade police.

7. Obstacles and incentives to women's participation

113. The two expert group meetings organized by the Division for the Advancement of Women in 1989 and 1991 provided some additional information on the obstacles to the participation of women in decision-making and civil service careers, including those in areas related to peace and security. In general, the obstacles include the unequal division of duties in the household and in the care of children and the elderly; the economic dependency of women; and prevailing inequality in all spheres of life, with violence against women as its extreme form. Other obstacles include women's double burden, negative attitudes to women's political participation or to women in non-traditional careers and media stereotyping.

114. The specific obstacles to the participation of women in the civil service include lack of adequate recruitment and promotion mechanisms; the prevalence of "closed" recruitment and promotion systems, often based on patronage, without clear requirements for entry or promotion; bias in job evaluation and classification; insufficient appeal mechanisms and a general absence of women from appeal bodies and selection, appointment and promotion panels; unequal opportunities for career and training development; and the marginalization of women in some areas of the civil service traditionally considered as related to women or in positions intended to implement affirmative action policies.

115. The factors conducive to the participation of women in political life, including participation in peace-related activities are identified in the existing documentation as level and field of education, democratic traditions of the country, public concern for women's legal rights, open attitudes to discussing women's issues, a tradition of respecting women's right to free choice in all spheres of life, a high level of literacy in the country, and knowledge of women's reproductive rights. There is also correlation between the participation of women in decision-making, including participation in peace-related decisions, and adherence to the Convention on the Elimination of All Forms of Discrimination against Women. Countries that adhere to the Convention without religious or cultural reservations have higher percentages of women in decision-making.

116. With regard to temporary measures aimed at the increased participation of women in peace-related activities, including decision-making, not much progress can be noted. Although article 4 of the Convention provides for temporary special measures aimed at accelerating de facto equality although its provisions could be used in connection with articles 7 and 8, which state that "all appropriate measures" should be undertaken to eliminate discrimination related

to the political participation of women at national and international levels, the introduction of quotas and targets is considered a controversial measure. Although some countries have established special measures and programmes to increase the qualitative and quantitative participation of women in decision-making and managerial posts, others consider such measures non-democratic. The most prominent example of affirmative action is provided by Nordic countries where all boards and public committees have a quota, ensuring participation by both sexes.

8. Effects of armed conflicts on women

117. Many countries - African ones, in particular - pointed that although women were not decision makers on war and peace, the devastating results of armed conflicts made them victims of displacement, poverty, family disintegration and loss of home and land. Armed conflicts also uprooted women from their cultural and family environment and made them refugees and single heads of households.

118. Due to conflicts in some regions, women have suffered from increased criminality, robberies, murders and harassment by soldiers, including rape. Massacres and rapes by security forces to get information on wanted persons are cases in point. In some areas, however, women are the victims of policies of ethnic purging and ethnic cleansing.

119. Reference was made by many to the invisible participation of women in the democratic process and decision-making. One country pointed that the reduced possibilities of women to influence political decisions on peace were due to psychological and material factors. The warfare in Europe made many to believe that it was necessary to have strong armed forces. Although women developed a new sense of violence and an understanding of the non-use of force, very little depended on them, and the peace process in the region was thus affected negatively.

9. Women refugees

120. Many States addressed the situation of refugees. Numerous and often violent ethnic, tribal and civil conflicts in some regions caused flows of refugees to neighbouring countries. In a few cases, also owing to military actions, there were internally displaced persons, including women. Natural disasters, such as famine, flood and drought, constituted a second reason for seeking refuge.

121. In the majority of cases, most of the refugees were women and children. They were particularly vulnerable to abuse and violence. They had often experienced or witnessed violence in their countries of origin. They were sexually molested by men taking advantage of the chaos and the collapse of structures and by the police and the military as well. They experienced hardship in transit and in refugee camps, where in general they could not decide their own fate since they had no impact on the administration or the decision-making. There were very few cases of women involved in the administration of camps. Despite the efforts of the United Nations High

Commissioner for Refugees, women and children refugees suffered disproportionately due to patterns of distribution within the camps and in the family. Refugee women had very limited work opportunities or access to credit. One country, citing the results of a study on women refugees, pointed out that among primary income earners, 35 per cent were women in villages, 32 per cent were in towns and 48 per cent were in refugee camps. Women were unaccustomed to being single heads of households, with men absent from the camps. They suffered from lack of privacy, psychological and mental health problems, broken interpersonal relations. Since men could not provide for their families, women assumed all family duties, which had negative consequences for their relationships. Women began to question the traditional role of men in the family. The study also called attention to the "invisible" displaced persons, often women, residing with relatives and not registered as refugees whose problems could not be addressed. One country reported on a special programme addressed to refugee victims of torture, which focused on women in order to teach them practical skills to service the community.

122. Many countries pointed that an influx of refugees can interfere with the daily life, culture and economic situation of the receiving country. That may lead to the xenophobia, intolerance and the insecurity of both, the receiving and the refugee population. Receiving countries in regions of armed conflict are cases in point.

123. Most countries reported on measures undertaken to assist refugee women. They included special educational programmes, including language courses; programmes of integration into the labour market; health care; social assistance, taking into consideration traditional barriers and child-care responsibilities; rental subsidies; education of the public through the mass media to be more tolerant to immigrants; self-help schemes, including training in tailoring and marketing; child care and family planning supported by the Government; and small enterprise programmes. One country reported on the establishment in 1994 of a special committee at the ministerial level on equal rights of men and women refugees, to examine the status of women refugees and to abolish the residence permit regulation when a woman refugee was a victim of violence or if her marriage had been dissolved. Another country referred to its refugee act, stating that women had the same opportunities as men to participate in training and instruction. Special training was provided for women as community workers. In 1989, upon assessment of the needs of refugee women, based on a special survey and contacts with women leaders and service providers, new programmes were set up focusing on special needs of women who were particularly vulnerable. They included the promotion of refugee women's initiatives, including literacy and English for homebound women; skills training; domestic violence counselling; leadership training; and assistance in establishing family business, often home-based.

124. Many countries supported UNHCR and its programmes and worked closely with international governmental and non-governmental organizations. One country introduced a programme called "Women at Risk" focusing on the special needs of refugee women. Another country reported on special measures to help women victims of armed conflict; to combat, in cooperation with UNRWA, UNHCR and the Red Cross the bias of certain humanitarian organizations against women; to support women victims of sexual abuse in the former Yugoslavia.

125. In some cases women played important roles in the rehabilitation of refugees and displaced persons at the family level and as community development assistants. Since in some countries, village women constituted most of the female refugees, some projects of assistance and rehabilitation included agricultural projects of non-governmental organizations with the governmental support. Some Governments created for women refugees self-help schemes, training them in tailoring, marketing, child care and family planning.

Notes

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2/ Kathleen Barry, Charlotte Bunch and Shirley Castley, eds., International Feminism: Networking Against Female Sexual Slavery (New York, International Women's Tribune Centre, 1984).

3/ Universal Declaration of Human Rights, art. 16 (3); International Covenant on Civil and Political Rights, art. 23 (1); African Charter on Human and People's Rights, art. 18 (1).

4/ D. D'Monte, "Maharashtra clamps down on prenatal sex tests", People, (vol. 15, No. 3 (1998)); "Prenatal attack on women", Christian Science Monitor (10 March 1988), p. 23; V. Patel, "Sex determination and sex preselection tests: abuse of advanced technologies", in Women in Indian Society, Ghadially, ed. (London, Sage, 1988).

5/ S. Narasimhan, Sati: A Study of Widow Burning in India (New Delhi, Viking, 1990).

6/ Middle East Watch/Women's Rights Project, "Punishing the victim: rape and mistreatment of Asian maids in Kuwait", Human Rights Watch, vol. 4, No. 8 (August 1992).

7/ Asia Watch/Women's Rights Project, A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand (New York, Human Rights Watch, 1993).

8/ Amnesty International, Rape and Sexual Abuse: Torture and Ill-treatment of Women in Detention. AI Index: ACT 77/11/91 (New York, Amnesty International, 1991); Women in the Front Line. AI Index: ACT 77/01/91 (New York, Amnesty International, 1991).

9/ Although rape, as well as sexual slavery and forced pregnancy, has always been a feature of war, the conflicts in the former Yugoslavia have produced the most recent evidence of women's vulnerability in conflict. See Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by Armed Forces. AI Index: EUR 63/01/93 (Washington, D.C., International Human Rights Law Group, 1993); No Justice, No Peace: Accountability for Rape and Gender-Based Violence in the Former Yugoslavia (Washington, D.C., Amnesty

International, 1994); Bosnia-Herzegovina: "You have no place here": Abuses in Bosnian Serb-controlled Areas. AI Index: EUR 63/11/94 (Washington, D.C., Amnesty International, 1994); "Rape and abuse of women in the territory of former Yugoslavia" (E/CN.4/1994/5). Evidence of the sexual victimization of women in the conflicts in the former Yugoslavia coincided with the revelation of systematic abduction of women, described as "comfort women", who were subsequently forced into prostitution by the Japanese army during World War II. See David E. Sanger, "Japan admits it ran army brothels during war", New York Times (8 July 1992).

10/ America's Watch and Women's Rights Project, Untold Terror: Violence against Women in Peru's Armed Conflict (New York, Human Rights Watch, 1991); Liberia: Women and Children Gravely Mistreated (Boston, Physicians for Human Rights).

11/ S. Wali, Female Victims of Sexual Violence: Rape Trauma and its Impact on Resettlement (Geneva, World Health Organization/United Nations High Commissioner for Refugees, 1990); The State of the World's Refugees: The Challenge of Protection (London: Penguin Books, 1993); "Note on certain aspects of sexual violence against refugee women" (EC/1993/SCP/CRP.2); Africa Watch and Women's Rights Project, Seeking Refuge, Finding Terror: The Widespread Rape of Somali Women Refugees in North Eastern Kenya (New York, Human Rights Watch, 1993).

12/ UNHCR, Guidelines for the Protection of Refugee Women (Geneva, 1991).

13/ "Note on certain aspects of sexual violence against refugee women" (EC/1993/SCP/CRP.2), paras. 9-12.

14/ Resolutions 1986/29 of 23 May 1986 and 1990/5 of 24 May 1990.

15/ See E/CN.6/1986/11, E/CN.6/1988/9 and E/CN.6/1992/5.

16/ Resolutions 47/96 of 16 December 1992 and 48/110 of 20 December 1993.

17/ Report of the Working Group on Slavery on its eighth session (E/CN.4/Sub.2/1982/21), chap. IV, recommendation 9.

18/ Resolution 1982/15 of 7 September 1982. The Subcommission appointed Mrs. Halima Warzazi as Special Rapporteur of the Working Group on Traditional Practices Affecting the Health of Women and Children. Her final report is to be found in document E/CN.4/Sub.2/1991/6 of 5 July 1991.

19/ Resolution 1988/57, on traditional practices affecting the health of women and children.

20/ Report of the Working Group on Traditional Practices Affecting the Health of Women and Children (E/CN.4/1986/42).

21/ Report of the Working Group on Contemporary Forms of Slavery on its sixteenth session (E/CN.4/Sub.2/1991/41). See also resolution 3/2 of the Commission on Crime Prevention and Criminal Justice, concerning international traffic in minors.

22/ Office of the United Nations High Commissioner for Refugees, Executive Committee Conclusion, No. 68 (XLIII), 1992; No. 73 (XLIV), 1993.

23/ Office of the United Nations High Commissioner for Refugees, Guidelines on the Protection of Refugee Women (Geneva, 1991).

24/ Roxanna Carillo, Battered Dreams: Violence Against Women as an Obstacle to Development (New York, UNIFEM, 1992).

25/ See art. 17 of the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180).

26/ Economic and Social Council resolution 1991/18. See also the report of the Expert Group Meeting on Violence against Women, Vienna, 11-15 November 1991 (EGM/VAW/1991/1).

27/ Vienna Declaration and Programme of Action of the World Conference on Human Rights, paras. 18 and 38. See also specific reference to violence against girl-children in para. 21 of the Declaration and paras. 48 and 49 of the Programme of Action.

28/ "Report of the Expert Group Meeting on Measures to Eradicate Violence against Women", 4-8 October 1993 (MAV/1993/1).

29/ Resolution 1994/45, 4 March 1994.

30/ The National Strategy on Violence Against Women (Canberra, 1992).

31/ Changing the Landscape: Ending Violence - Achieving Equality (Ottawa, Ministry of Supply and Services, 1993).